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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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BANNER & WITCOFF, LTD. TEN SOUTH WACKER DRIVE SUITE 3000 CHICAGO, IL 60606			GAUTHIER, GERALD	
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			2645	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/737,098

Applicant(s)

PATEL, KANU

Examiner

Gerald Gauthier

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-9,12-15,18-20 and 27-29 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1,4-9,12-15,18-20 and 27-29 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. **Claim(s) 1, 4, 5, 15, 18-20 and 27-29** are rejected under 35 U.S.C. 103(a) as

being unpatentable over Friedes et al. (US 5,521,966) in view of Mankovitz (US

6,253,069 B1), in view of Hayashi et al. (US 6,040,921 and in further view of Denenberg

et al. (US 6,728,348).

Regarding **claim(s) 1, 15 and 27**, Friedes discloses, a system for obtaining information of a person via a telephone network (FIG. 1 and column 1, lines 8-13), comprising in combination:

(a) an automated call handler (20 on FIG. 1) coupled to the telephone network and capable of receiving a request for information from a caller via the telephone network, querying the caller for details about the request, accessing the requested information, and providing the requested information to the caller in accordance with the request (FIG. 1 and column 3, lines 39-53) [The smart card gateway 20 determines the appropriate caller interface and prompts the caller for information to validate the caller and provide to the caller information from the system];

(b) an audio controller (VRU 210 on FIG. 2) capable of providing outgoing audio messages from the call handler to the caller via the telephone network (column 4, lines 13-20) [The VRU 210 provides prompts to the caller to receive and confirm information interacting from the caller via the telephone network]; and

(c) a gateway terminal (GATEWAY 20 on FIG. 1) coupled to the automated call handler and having a searchable database (215 on FIG. 2) having stored therein information, wherein the gateway terminal further has a security checker for ensuring access to the searchable database by authorized callers, and wherein the security checker processes security identification entered by the caller to verify authorization (column 4, lines 20-35) [The gateway 20 has access to the database 215 that contains individual information of the caller and able to verify the caller pin and password].

Friedes discloses a gateway database with credit card information but fails to disclose retrieving credit history information.

However, Mankovitz teaches an apparatus for providing credit history information for a customer (column 7, lines 25-42) [Advertisers are provided with access to customer credit history and other financial information].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Friedes adding the credit history information request as taught by Mankovitz.

The modification of the invention would offer the capability of having credit history information such as the user would be able to access information for buying products or services in a given area.

Friedes as modified discloses a smart card reader but fails to disclose a plurality of modems for converting a dual-tone multi-frequency signal into at least one digit.

However, Hayashi teaches a plurality of modems for converting a dual-tone multi-frequency signal into one digit.

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Friedes adding the communication apparatus as taught by Hayashi.

The modification of the invention would offer the capability of a modem converting DTMF signal to a digit such as the user would be able to communicate efficiently.

Friedes as modified discloses conversion from DTMF to a digit but fails to disclose the caller selects only one DTMF entry for each character in a name and an address of the person.

However, Denenberg teaches a system wherein the caller selects only one DTMF entry for each character in a name and an address of the person to form a digit string (column 5, lines 17-34); and

e) a data search handler that searches the searchable database by matching the digit string that corresponds to an actual name and address of the person (column 5, lines 38-43).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to further modify Friedes using the teaching of a single DTMF entry as taught by Denenberg.

The modification of the invention would offer the capability of having the caller selects only one DTMF entry for each character in a name and an address of the person such as the user would have the advantage to spell the name to be searched.

Regarding **claim(s) 4, 18 and 28**, Denenberg teaches the gateway terminal further has a data analyzer for converting the digits into at least one American Standard Code for Information Interchange character (column 4, lines 34-47).

Regarding **claim(s) 5, 19 and 29**, Friedes discloses the gateway terminal further has a data search handler for searching the database based on the request provided by the caller (215 on FIG. 2).

Regarding **claim(s) 20**, Friedes discloses the audio controller converts the address information into an audio response and the call handler provides the audio response to the caller (column 3, lines 55-64).

4. **Claim(s) 6-8** are rejected under 35 U.S.C. 103(a) as being unpatentable over Friedes, in view of Mankovitz, in view of Hayashi and in further view of Denenberg as applied to **claim(s) 1** above, and further in view of Shaffer et al (US 5,901,214).

Regarding **claim(s) 6**, Friedes in combination with Mankovitz, Hayashi and Denenberg as applied to **claim(s) 1** differ from **claim(s) 6** in that it fails to disclose the call handler is capable of faxing the credit history information to the caller.

However, Shaffer teaches the call handler is capable of faxing the credit history information to the caller (column 33, line 48 to column 34, line 3).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Friedes as modified adding the fax module as taught by Shaffer.

The modification of the invention would offer the capability of having the call handler is capable of faxing the credit history information to the caller such as the user would have the advantage to review the information.

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Regarding **claim(s) 7**, Shaffer teaches the call handler mails the credit history information to the caller (column 37, lines 17-32).

Regarding **claim(s) 8**, Shaffer teaches the call handler e-mails the credit history information to the caller (column 33, lines 15-24).

5. **Claim(s) 9, and 12-14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Friedes, in view of Mankovitz, in view of Hayashi, in view of Denenberg and in further view of Lowery (US 6,446,111 B1).

Regarding **claim(s) 9**, Friedes in combination with Mankovitz, Hayashi and Denenberg disclose all the limitations of **claim(s) 9** as stated in **claim(s) 1'** s rejection above but Friedes as modified fails to disclose books availability information.

However, Lowery teaches books availability information (column 14, lines 1-21) [The server performs the updating and tracking of the availability of the book into a large storage capacity].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to add the large storage of book availability information of Lowery in the information databases of Shaffer.

The modification of the invention would offer the capability of having a book availability information data such as the user would search for the book authors for responding to the client request so as to reduce bandwidth usage.

Regarding **claim(s) 12**, Denenberg teaches the gateway terminal further has a data analyzer for converting the digits into at least one American Standard Code for Information Interchange (ASCII) character (column 4, lines 34-47).

Regarding **claim(s) 13**, Friedes discloses the gateway terminal further has a data search handler for searching the database based on the request provided by the caller (215 on FIG. 2).

Regarding **claim(s) 14**, Friedes discloses the audio controller converts the book availability information into an audio response and the call handler provides the audio response to the caller (column 3, lines 55-64).

Response to Arguments

6. Applicant's arguments with respect to **claim(s) 1, 4-9, 12-15, 18-20 and 27-29** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GERALD GAUTHIER
PATENT EXAMINER

g.g.
December 16, 2005


FAN TSANG
SUPERVISOR
PATENT EXAMINER
CENTER 2600